

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA.,
AMERICAN HOME ASSURANCE
COMPANY, THE INSURANCE COMPANY
OF THE STATE OF PENNSYLVANIA,

Petitioners,

v.

BMC STOCK HOLDINGS, INC.,

Respondent.

Case No. 1:18-cv-05777-JPO

NOTICE OF MOTION TO STAY PENDING APPEAL

PLEASE TAKE NOTICE that Respondent BMC Stock Holdings, Inc. ("BMC") will move this Court at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY, in Courtroom 706 before the Honorable J. Paul Oetken, United States District Judge, at a date and time to be determined by the Court, for a stay of the Court's December 3, 2018 Order pending BMC's appeal to the Second Circuit of that December 3, 2018 Order, together with such other and further relief as the Court deems just and proper. This Motion based upon this Notice of Motion, the accompanying Memorandum of Law in Support of Motion To Stay Pending Appeal, and the accompanying Declaration of Allen R. Wolff in Support of BMC Stock Holdings, Inc.'s Motion To Stay Pending Appeal, together with all pleadings and records on file herein, and such further argument and evidence as the Court may consider.

Dated: January 7, 2019

ANDERSON KILL P.C.

By: /s/ Allen R. Wolff

Allen R. Wolff, Esq.

Ethan W. Middlebrooks, Esq.
1251 Avenue of the Americas
New York, New York 10020
Telephone: (212) 278-1000
Facsimile: (212) 278-1733
E-mail: awolff@andersonkill.com
E-mail: emiddlebrooks@andersonkill.com

Attorneys for BMC Stock Holdings, Inc.